

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
RONALD A. NIMKOFF,

Plaintiff,

- against -

**MEMORANDUM & ORDER**

17-CV-4458 (PKC) (RML)

GARTH H. DRABINSKY, and MYRON I.  
GOTTLIEB,

Defendants.

-----X  
PAMELA K. CHEN, United States District Judge:

*Pro se* Plaintiff Ronald Nimkoff, an attorney, brought this action on July 28, 2017, alleging that Defendants Myron Gottlieb and Garth Drabinsky, his former clients, failed to make payments due and owing under two promissory notes executed in September 2015. (*See generally* Complaint, Dkt. 1.) On October 4, 2019, Plaintiff moved for default judgment against Defendant Gottlieb. (Dkt. 55.) This motion was referred to the Honorable Roanne L. Mann, United States Magistrate Judge, for a Report and Recommendation (“R&R”) pursuant to 28 U.S.C. § 636(b) and Local Rule 72.1(d).<sup>1</sup>

On June 9, 2020, Judge Mann recommended that Plaintiff’s motion for default judgment against Defendant Gottlieb be granted in substantial part, and that Plaintiff be awarded (1) \$376,928.65 in unpaid principal; (2) interest on the unpaid principal calculated at twelve

---

<sup>1</sup> The Court initially ordered that the resolution of this motion be deferred until after the resolution of Defendant Drabinsky’s cross-claim for indemnification and/or contribution against Defendant Gottlieb. However, after receiving Plaintiff’s letter, dated September 12, 2019 (Dkt. 49), the Court reconsidered that decision and requested a Report and Recommendation based on Plaintiff’s argument that the resolution of the default judgment motion against Defendant Gottlieb will not later result in inconsistent judgments given the nature of the case and Defendants’ joint and several liability (Sept. 13, 2019 Order).

percent per annum compounded monthly from August 26, 2015 until final entry of judgment; (3) attorneys' fees totaling \$5,253.00; and (4) costs amounting to \$200.00. (R&R, Dkt. 99, at 28.) The R&R notified Defendants of their right to file written objections to the R&R, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rules of Civil Procedure 6(a), 6(d), and 72. (*Id.*) A copy of the R&R was served on Defendant Gottlieb on June 10, 2020. (*See* Declaration of Service, Dkt. 100.)<sup>2</sup>

A district court reviewing a magistrate judge's R&R "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no party objects to the magistrate judge's recommendation, the district court "need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (citation omitted). The statutory period for filing objections has expired, and no objections to Judge Mann's R&R have been filed.

The Court has reviewed both the record and Judge Mann's well-reasoned and thorough R&R. Finding no error, no less clear error, in Judge Mann's decision, the Court adopts the R&R in its entirety and grants in substantial part Plaintiff's motion for default judgment as to Defendant Gottlieb.

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen  
United States District Judge

Dated: July 7, 2020  
Brooklyn, New York

---

<sup>2</sup> The Court deems non-defaulting Defendant Drabinsky as having been served with the R&R via the CM/ECF docketing system.